MHR Connections

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Equality of Opportunity and Freedom from Discrimination

# Changes coming to *The Human Rights Code*

Twenty-five years after *The Human Rights Code (Manitoba)* was enacted, significant, ground breaking changes are about to take place.

Amendments to *The Code* include adding social disadvantage and gender identity to the list of protected grounds.

"Manitoba's human rights legislation was ahead of its time 25 years ago when protection from discrimination based on sexual orientation was added to *The Code*," said Justice Minister and Attorney General Andrew Swan. "These changes will build on that legacy and ensure the Commission has the tools it needs to effectively address current and emerging challenges."

According to the Chairperson of the Manitoba Human Rights Board of Commissioners Jerry Woods, the Government is taking a progressive approach by bringing in these changes.

"Amending *The Human Rights Code* to prohibit unreasonable discrimination on the basis of social disadvantage is an important step towards meeting our obligations under international agreements, such as the *International Covenant on Economic, Social and Cultural Rights,"* says Mr. Woods.

By adding social disadvantage, complaints can be filed based on discrimination relating to homelessness, inadequate housing, low levels of education, chronic low income, unemployment or underemployment.

*"The Human Rights Code* recognizes the individual worth and dignity of every member of the human family and the ground of social disadvantage will help the Commission address prejudice on that basis, and focus attention on poverty and homelessness in Manitoba," he says, and further explains that Governments, employers and others would also be better able to develop special programs, such as training, designed to lessen the disadvantage experienced by some Manitobans.

Adding "gender identity" would make it unlawful to discriminate against a person in employment, housing or the provision of services on the basis of that person's actual or perceived gender identity.

"Many persons who are transgendered face discrimination and harassment in their daily lives," says Woods. "The Manitoba Human Rights Commission believes that specifically protecting persons from discrimination on the basis of gender identity is important to clarifying that such discrimination is contrary to *The Human Rights Code."*

THE MANITOBA HUMAN RIGHTS COMMISSION

LA COMMISSION DES DROITS DE LA PERSONNE DU MANITOBA

www.manitobahumanrights.ca

## The Rights Connection
### by Jerry Woods - Chairperson

May has been a very good month for human rights. We are approaching the 25th anniversary of both the Human Rights Code and Pride Winnipeg with a celebration at the Manitoba Legislature at the end of the month, and important amendments to *The Code* have been announced.

Twenty five years ago, Manitoba changed *The Human Rights Act* to *The Human Rights Code* and added sexual orientation to the list of protected grounds. It was very controversial at the time, but when the new legislation passed, people like Chris Vogel and Richard North could continue their long battle for equality for same sex couples, with the law on their side.

Last week Justice Minister and Attorney General Andrew Swan announced two new protected grounds, gender identity and social disadvantage.

Manitoba will be one of the first provinces to include gender identity as a protected characteristic in its *Human Rights Code*. In Ontario, a Bill with similar protections has passed its second reading. The Northwest Territories already has this protection in place, however, all jurisdictions in Canada now accept complaints on this basis under the grounds of sex and disability.

The ground of social disadvantage will protect people who have a lower status in society due to homelessness or inadequate housing, low levels of education, chronic low income, chronic unemployment or under-employment. Quebec, and more recently the Northwest Territories and New Brunswick have this protection.

These new protections should pave the way for others who face discrimination.

### *Other Voices Regarding Changes to The Code*

*"The Manitoba Bar Association (MBA) believes there is a need for better legal protection for transgender Manitobans. Transgender Manitobans are a minority who can suffer discrimination," said Josh Weinstein, President, MBA.*

*"Socially disadvantaged Manitobans should not face additional barriers when they are trying to get ahead," said Floyd Perras, Executive Director of Siloam Mission. "We welcome these changes because we've seen first-hand the positive contributions made by people from all walks of life."*

# The personal story behind the sexual harassment Supreme Court Ruling

## CASHRA Conference Sessions to be memorable

Dianna Janzen says she is humbled to be on a panel with the likes of Catherine Taylor, a University of Winnipeg Professor, Gerald Hashey Senior Manager with the Nova Scotia Human Rights Commission and Aaron Berg Legal Counsel with the Government of Manitoba and the moderator of *Harassment: The New Realities of an Old Problem,* one of the sessions at the "Are we there yet? Human Rights Conference" June 17-19 in Winnipeg.

*Dianna Evangeline*

All panellists agree that it is their honour to be on a panel with her.

Her name has changed. She is now Dianna Evangeline and for many years she remained quiet about her role in changing the definition of sexual harassment in Canada.

It began in 1982. Janzen was one of two women who endured repeated, sexual harassment, including sexual advances and groping, at a Winnipeg restaurant. It has now been 23 years since the historic 1989 Supreme Court of Canada decision, which stated that sexual harassment is a form of sex discrimination.

What happened during those seven years, and the many years following the decision, is an amazing story that can only be told by Dianna Evangeline.

"Surprisingly there were family and friends who didn't agree with what I was doing or understand it. A lot of time has gone by; a lot of bridges have been mended since that time; some not. It took its toll on a lot of levels," Ms Evangeline says.

The session is not only about sexual harassment. It also deals with the many aspects of harassment. Catherine Taylor was the principal investigator in a national three-year study involving 3,607 Canadian teens that found homophobia creates a hostile world in Canadian schools.

Dr. Taylor will move the discussion on to competing rights of LGBTQ youth and socially conservative faith communities.

"I see this issue as the single most important one in the struggle for LGBTQ-inclusive schools," she says.

The session is rounded off by Gerald Hashey. Mr. Hashey brings a unique perspective to the discussion on harassment by looking at news ways of dealing with complaints.

"The Nova Scotia Commission is strongly committed to restorative approaches," says Mr. Hashey. He explains that restorative approaches recognize that discrimination, and the belief you were discriminated against, are harmful to more than just the people directly involved. How does this approach work when it comes to harassment? Mr. Hashey will be discussing their initial concerns and accomplishments.

And this is just one of the many discussions that will be taking place at the Annual Canadian Association of Statutory Human Rights Agencies (CASHRA) Conference in Winnipeg this June.

The 2012 conference theme is *Are We There Yet?* and the focus is on celebrating human rights successes and identifying areas where further development, advocacy or change are still needed to achieve equality for all individuals in Canada.

One area where rights seem to be sliding is in reasonable accommodation. According to a new report called *Accommodation in the 21st Century,* "Employers are making efforts to narrow their obligations under human rights legislation by pushing the definition of discrimination away from adverse effects and back to stereotype." The three authors of this report, Gwen Brodsky, Shelagh Day and Yvonne Peters, will be speaking of their findings and answering questions.

Mental Health will also be front and centre at the conference with two sessions dealing with this emerging issue. The first, *Current Challenges to Accommodating Mental Health Disabilities* features Maureen Grace, a nurse who has delivered wellness presentation and has co-authored a book called "Stress management with an Attitude" focusing on personal and workplace stress. She is joined by Winnipeg Lawyer Beverley Froese who in partnership with the Canadian Mental Health Association, Winnipeg Region, and an independent researcher, was involved in a project for the Mental Health Commission of Canada entitled "Equality, Dignity and Inclusion: Legislation that Enhances Human Rights for People Living with Disabilities."

The other session addressing this issue is *Mental Health: A Human Rights Issue for Priority Populations Behind Bars* with panellists Kim Pate, Executive Director of the Canadian Association of Elizabeth Fry Societies, Nene Kwasi Kafele currently a PhD Candidate at York University and the former director of Health Equity for the Centre for Addiction and Mental Health in Ontario and Dr. Ivan Zinger the Executive Director and General Counsel for the Office of the Correctional Investigator (Federal Prison Ombudsman). The panellists will respond to the many concerns regarding mental health issues affecting inmates.

Other topics include *Persistent Disadvantage: Addressing Social and Economic Rights,* which will be of interest to those following the Manitoba Government's amendments to *The Human Rights Code* including the addition of social disadvantage as a protected ground against discrimination.

Another popular conference topic is *Considerations When Fighting for Systemic Change* with guests Byron Williams, the director of the Public Interest Law Centre of Legal Aid Manitoba, Gaétan Cousineau, President of the Commission des droits de la personne et des droits de la jeunesse (Quebec Human Rights Commission), and Debra Parkes, Associate Professor in the Faculty of Law at the University of Manitoba. For a full program please visit: http://www.cashra2012.ca/

**Special Rate for Non-Profits Now Available!**

**The Manitoba Human Rights Commission is pleased to announce that due to a recent funding grant, the Student Rate for registration to the human rights conference will now be made available to any registered non-profit or charitable organization working in the area of human rights.**

**We value your voice**